



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530-0001

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Austin Evers
American Oversight
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1030 15th Street NW
Washington, DC 20005
foia@americanoversight.org

August 4, 2020

Re: Appeal No. A-2020-01050
Request No. ATFY20-008
CDT:JNW

VIA: Email

Dear Austin Evers:

You appealed from the action of the Antitrust Division of the United States Department of Justice on your remanded Freedom of Information Act request for access to records concerning any investigations into the agreement by Ford Motor Co., Honda Motor Co., Volkswagen AG, and BMW AG to follow California's heightened limits for greenhouse gas auto emissions. I note that your appeal concerns the Antitrust Division's full denial of your remanded request pursuant to Exemption 5.

After carefully considering your appeal, I am affirming the Antitrust Division's action on your remanded request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The Antitrust Division properly withheld this information in full because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. 552(b)(5) and it is reasonably foreseeable that disclosure of this information would harm the interests protected by this provision. This provision concerns certain inter- and intra-agency records protected by the deliberative process privilege and the attorney work-product privilege.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the Antitrust Division in response to your remanded request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers

mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,



X

Matthew Hurd,
Acting Chief, Administrative Appeals Staff